

**U.S. District Court
Eastern District of Virginia – (Richmond)
CIVIL DOCKET FOR CASE #: 3:08–cv–00327–DWD**

Rivera v. Bank of America, N.A.
Assigned to: Magistrate Judge Dennis W. Dohnal
Cause: 15:1681 Fair Credit Reporting Act

Date Filed: 05/28/2008
Date Terminated: 10/05/2009
Jury Demand: Plaintiff
Nature of Suit: 480 Consumer Credit
Jurisdiction: Federal Question

Plaintiff

Victor Rivera

represented by **Leonard Anthony Bennett**
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Date Filed	#	Docket Text
05/28/2008	<u>1</u>	COMPLAINT against Bank of America, N.A. (Filing fee \$350.00 receipt number 300005118) filed by Victor Rivera. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Receipt)(lsal) (Entered: 05/28/2008)
05/28/2008	<u>2</u>	Summons Issued as to Bank of America, N.A. and returned by Fed-Ex Express to counsel of record; (lsal) (Entered: 05/28/2008)
06/13/2008	<u>3</u>	SUMMONS Returned Executed: Bank of America, N.A. served on 6/5/2008, answer due 6/25/2008. (lsal) (Entered: 06/13/2008)
06/24/2008	<u>4</u>	NOTICE of Appearance by James Douglas Cuthbertson on behalf of Bank of America, N.A. (Cuthbertson, James) (Entered: 06/24/2008)
06/24/2008	<u>5</u>	Consent MOTION for Extension of Time to File Response/Reply by Bank of America, N.A.. (Attachments: # <u>1</u> Proposed Order)(Cuthbertson, James) (Entered: 06/24/2008)
06/24/2008	<u>6</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by Bank of America, N.A.. (Cuthbertson, James) (Entered: 06/24/2008)
06/26/2008	<u>7</u>	So Ordered <u>5</u> CONSENT MOTION for Extension of Time to File Response to complaint; ORDERED that time defendant BANK of America NA may file its responsive pleadings to complaint is EXTENDED to and includes July 9, 2008; Signed by District Judge James R. Spencer on 6/26/08. (lsal) (Entered: 06/26/2008)

		06/26/2008)
07/09/2008	<u>¶ 7</u>	ANSWER to <u>1</u> Complaint by Bank of America, N.A..(Cuthbertson, James) (Entered: 07/09/2008)
07/11/2008	<u>¶ 8</u>	NOTICE of Pretrial Conf. (khan,) (Entered: 07/11/2008)
07/11/2008	<u>¶ 9</u>	Set Deadlines/Hearings Initial Pretrial Conference set for 7/31/2008 at 09:35 AM before District Judge James R. Spencer. (khan,) (Entered: 07/11/2008)
07/30/2008	<u>¶ 9</u>	NOTICE of Appearance by Jason Meyer Krumbein on behalf of Victor Rivera (Krumbein, Jason) (Entered: 07/30/2008)
08/01/2008	<u>¶ 10</u>	NOTICE to Counsel as required by Rule 26(f) of the FRCP; parties are therefore deemed to have chosen to proceed in this case without the initial disclosures specified in Rule 26(f); (lsal) (Entered: 08/01/2008)
08/01/2008	<u>¶ 11</u>	Case Reassigned to Magistrate Judge Dennis W. Dohnal. District Judge James R. Spencer no longer assigned to the case. (lsal) (Entered: 08/01/2008)
08/01/2008	<u>¶ 11</u>	ORDER REASSIGNING CASE to United States Magistrate Judge Dennis Dohnal for all purposes; Signed by District Judge James R. Spencer on 8/1/08. (lsal) (Entered: 08/01/2008)
08/01/2008	<u>¶ 12</u>	MOTION for Leave to File <i>First Amended Complaint</i> by Victor Rivera. (Erausquin, Matthew) (Entered: 08/01/2008)
08/01/2008	<u>¶ 13</u>	Memorandum in Support re <u>12</u> MOTION for Leave to File <i>First Amended Complaint</i> filed by Victor Rivera. (Attachments: # <u>1</u> Exhibit A – Proposed Amended Complaint)(Erausquin, Matthew) (Entered: 08/01/2008)
08/12/2008	<u>¶ 14</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>12</u> MOTION for Leave to File <i>First Amended Complaint</i> by Bank of America, N.A.. (Attachments: # <u>1</u> Proposed Order)(Cuthbertson, James) (Entered: 08/12/2008)
08/19/2008	<u>¶ 15</u>	CONSENT ORDER that Defendant Bank of America will file its response to Plaintiff's Motion to Amend on or before August 26, 2008. Signed by District Judge James R. Spencer on 8/18/08. (kyou,) (Entered: 08/19/2008)
08/20/2008	<u>¶ 16</u>	ORDER granting <u>14</u> Motion for Extension of Time to File Response; ORDERED defendant Bank of America will file its response to plaintiff's Motion to amend on or before August 26, 2008; Clerk Send copies to all counsel of record; Signed by Magistrate Judge Dennis W. Dohnal on 8/20/08. (lsal) (Entered: 08/20/2008)
08/25/2008	<u>¶ 17</u>	Set/Reset Hearings: Final Pretrial Conference set for 10/24/2008 at 02:00 PM before Magistrate Judge Dennis W. Dohnal. Jury Trial set for 11/6/2008 at 09:30 AM before Magistrate Judge Dennis W. Dohnal. (dtho,) (Entered: 08/25/2008)
09/02/2008	<u>¶ 17</u>	CONSENT ORDER granting <u>12</u> Motion to Amend the complaint; plaintiff's First Amended Complaint is FILED filed as of the date of this Order; further ORDERED that defendant Bank of America NA shall have twenty days from date of this Order to file its responsive pleadings to the First Amended Complaint; Signed by Magistrate Judge Dennis W. Dohnal on 9/2/08. (lsal) (Entered: 09/02/2008)
09/02/2008	<u>¶ 18</u>	FIRST AMENDED COMPLAINT against Bank of America, N.A. filed by Victor Rivera.(lsal) (Entered: 09/02/2008)

09/19/2008	<u>¶ 19</u>	STIPULATION re <u>18</u> Amended Complaint by Victor Rivera, Bank of America, N.A.. (Cuthbertson, James) (Entered: 09/19/2008)
09/22/2008	<u>¶ 20</u>	MOTION to Dismiss <i>Under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6)</i> by Bank of America, N.A.. (Attachments: # <u>1</u> Exhibit [Proposed] Order)(Cuthbertson, James) (Entered: 09/22/2008)
09/22/2008	<u>¶ 21</u>	Memorandum in Support re <u>20</u> MOTION to Dismiss <i>Under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6)</i> filed by Bank of America, N.A.. (Cuthbertson, James) (Entered: 09/22/2008)
09/23/2008	<u>¶ 22</u>	Proposed Joint Scheduling and Discovery Plan by Victor Rivera, Bank of America, N.A. (lsal) (Entered: 09/23/2008)
10/06/2008	<u>¶ 23</u>	MOTION for Extension of Time to File Response/Reply to <i>Bank of America's Motion to Dismiss</i> by Victor Rivera. (Erausquin, Matthew) (Entered: 10/06/2008)
10/07/2008	<u>¶ 24</u>	Memorandum in Opposition re <u>20</u> MOTION to Dismiss <i>Under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6)</i> filed by Victor Rivera. (Erausquin, Matthew) (Entered: 10/07/2008)
10/07/2008	<u>¶ 25</u>	ORDER granting <u>23</u> Motion for Extension of Time to File Response; Plaintiff is ORDERED to file his Memorandum in Opposition on or before October 7, 2008. Signed by Magistrate Judge Dennis W. Dohnal on 10/07/2008. Copies to counsel. (cmcc,) (Entered: 10/08/2008)
10/14/2008	<u>¶ 26</u>	REPLY to Response to Motion re <u>20</u> MOTION to Dismiss <i>Under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6)</i> filed by Bank of America, N.A.. (Decker, Roy) (Entered: 10/14/2008)
10/14/2008	<u>¶ 27</u>	Notice of Hearing Date set for 10/28/2008 re <u>20</u> MOTION to Dismiss <i>Under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6)</i> (Cuthbertson, James) (Entered: 10/14/2008)
10/15/2008	<u>¶ 28</u>	ORDER that trial proceedings are SUSPENDED until further Order of the Court. Signed by Magistrate Judge Dennis W. Dohnal on 10/15/08. (lsal) (Entered: 10/15/2008)
10/15/2008	<u>¶</u>	So Ordered <u>22</u> Proposed Joint Scheduling and Discovery Plan filed by Victor Rivera, Bank of America, N.A. Signed by Magistrate Judge Dennis W. Dohnal on 10/15/08. (lsal) (Entered: 10/15/2008)
11/12/2008	<u>¶ 29</u>	ORDER that defendant shall submit same as a Court exhibit in support of its Motion to Dismiss w/in 10 business days of this date; Clerk send copy of this Order to all counsel of record; Signed by Magistrate Judge Dennis W. Dohnal on 11/12/08. (lsal) (Entered: 11/12/2008)
11/20/2008	<u>¶ 30</u>	Joint MOTION for Extension of Time by Victor Rivera, Bank of America, N.A.. (Attachments: # <u>1</u> Proposed Order)(Decker, Roy) (Entered: 11/20/2008)
11/20/2008	<u>¶ 31</u>	ORDER granting <u>30</u> Joint Motion for Extension of Time to submit filings and responses, Bank of America, N.A. shall file its submission pursuant to the Court's November 12, 2008 on or before December 5, 2008, Plaintiff shall file its response to Defendant's submission, if any, on or before December 15, 2008; and The Bank shall file its reply, if any, thereto on or before December 22, 2008. Signed by Magistrate Judge Dennis W. Dohnal on 11/20/08.(kyou,) (Entered: 11/20/2008)

11/25/2008	<u>¶ 32</u>	ORDER on Joint Motion of parties for an extension of time for defendant Bank of America to file its submission in accordance with Court's Order entered November 12, 2008 and to modify the Order, it appearing to Court that the Motion should be granted and hereby ORDERED that Bank shall file its Submission on or before December 5, 2008; plaintiff shall file its response to Submission if any on or before December 15, 2008; Bank shall file its reply if any thereto on or before December 22, 2008; Signed by Magistrate Judge Dennis W. Dohnal on 11/25/08. (lsal,) (Entered: 11/25/2008)
12/05/2008	<u>¶ 33</u>	REPLY to Response to Motion re <u>20</u> MOTION to Dismiss <i>Under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6)</i> filed by Bank of America, N.A.. (Attachments: # <u>1</u> Affidavit Declaration of Joel Pou, # <u>2</u> Affidavit Declaration of Marty Smith, # <u>3</u> Affidavit Declaration of Susan Engel)(Decker, Roy) (Entered: 12/05/2008)
02/17/2009	<u>¶ 34</u>	STIPULATED CONSENT ORDER (See Order for details and deadlines). Signed by Magistrate Judge Dennis W. Dohnal on 2/17/09. (lsal) (Entered: 02/17/2009)
03/06/2009	<u>¶ 35</u>	MOTION to Dismiss (<i>Motion for an Order Granting Defendant Bank of America, N.A.'s Motion to Dismiss</i>) by Bank of America, N.A.. (Decker, Roy) (Entered: 03/06/2009)
03/06/2009	<u>¶ 36</u>	Memorandum in Support re <u>35</u> MOTION to Dismiss (<i>Motion for an Order Granting Defendant Bank of America, N.A.'s Motion to Dismiss</i>) filed by Bank of America, N.A.. (Attachments: # <u>1</u> Exhibit, # Exhibit)(Decker, Roy) (Entered: 03/06/2009)
03/11/2009	<u>¶ 37</u>	MOTION for Protective Order by Victor Rivera. (Attachments: # <u>1</u> Proposed Order)(Erausquin, Matthew) (Entered: 03/11/2009)
03/11/2009	<u>¶</u>	Notice of Correction re <u>36</u> Memorandum in Support. (Exhibit 2 has been deleted; Counsel will file a redacted version) (kyou,) (Entered: 03/11/2009)
03/12/2009	<u>¶ 38</u>	NOTICE by Bank of America, N.A. re <u>36</u> Memorandum in Support (<i>Exhibit 2 Redacted</i>) (Decker, Roy) (Entered: 03/12/2009)
03/13/2009	<u>¶ 39</u>	MOTION for Protective Order by Bank of America, N.A.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Decker, Roy) (Entered: 03/13/2009)
03/13/2009	<u>¶ 40</u>	CORRECTED MOTION for Protective Order by Bank of America, N.A.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Decker, Roy) Modified on 3/13/2009 by Clerk's Office(kyou,). (Entered: 03/13/2009)
04/02/2009	<u>¶ 41</u>	RESPONSE in Opposition re <u>35</u> MOTION to Dismiss (<i>Motion for an Order Granting Defendant Bank of America, N.A.'s Motion to Dismiss</i>) filed by Victor Rivera. (Attachments: # <u>1</u> Exhibit A – Supplemental Declaration of Victor Rivera)(Erausquin, Matthew) (Entered: 04/02/2009)
04/02/2009	<u>¶ 42</u>	Declaration re <u>41</u> Response in Opposition to Motion, <i>Corrected Supplemental Declaration of Victor Rivera</i> by Victor Rivera. (Erausquin, Matthew) (Entered: 04/02/2009)
04/03/2009	<u>¶ 43</u>	NOTICE of Appearance by Leonard Anthony Bennett on behalf of Victor Rivera (Bennett, Leonard) (Entered: 04/03/2009)
04/16/2009	<u>¶ 44</u>	ORDER re Defendant's <u>20</u> <u>35</u> Motions to Dismiss; a Renewed Scheduling Order provided (see order for details). Signed by Magistrate Judge Dennis W. Dohnal on 4/16/2009. (lhin,) (Entered: 04/16/2009)

04/16/2009	<u>¶ 45</u>	ORDER DENYING Plaintiff's <u>37</u> Motion for Protective Order; and DENYING Defendant's <u>40</u> Motion for Protective Order. PROTECTIVE ORDER being implemented (see order for details). Signed by Magistrate Judge Dennis W. Dohnal on 4/16/2009. (lhin,) (Entered: 04/16/2009)
05/27/2009	<u>¶ 46</u>	STIPULATION for Extension of Time to Serve Discovery Objections filed by Victor Rivera, Bank of America, N.A. (lsal) (Entered: 05/27/2009)
05/27/2009	<u>¶ 47</u>	ORDER GRANTING <u>46</u> Stipulation for Extension of Time to Serve Discovery Materials (See Order for deadlines); Signed by Magistrate Judge Dennis W. Dohnal on 5/27/09. (lsal) (Entered: 05/27/2009)
05/29/2009	<u>¶ 48</u>	MOTION to Dismiss <i>Complaint, in Part</i> by Victor Rivera. (Erausquin, Matthew) (Entered: 05/29/2009)
05/29/2009	<u>¶ 49</u>	Memorandum in Support re <u>48</u> MOTION to Dismiss <i>Complaint, in Part</i> filed by Victor Rivera. (Erausquin, Matthew) (Entered: 05/29/2009)
06/14/2009	<u>¶ 50</u>	MOTION for Extension of Time as to Defendant's Response to Plaintiff's Motion to Partially Dismiss His Complaint by Victor Rivera. (Erausquin, Matthew) (Entered: 06/14/2009)
06/16/2009	<u>¶ 51</u>	ORDER granting <u>50</u> Motion for Extension of Time to Respond to Plaintiff's Partial Motion to Dismiss; Signed by Magistrate Judge Dennis W. Dohnal on 6/16/09. (lsal) (Entered: 06/16/2009)
06/25/2009	<u>¶ 52</u>	JOINT Stipulation (Motion) for Extension of Time Regarding Discovery by Victor Rivera and Bank of America, N.A.. (Attachment: # <u>1</u> Letter from Counsel). (walk,) (Entered: 06/25/2009)
06/29/2009	<u>¶ 53</u>	ORDER the period for completion of limited discovery pursuant to the May 27 Order is EXTENDED to August 11, 2009; plaintiff shall serve objections upon Bank of America by July 9, 2009 and Bank of America shall serve objections upon plaintiff by July 15, 2009; plaintiff shall serve responses upon Bank of America by July 24, 2009 and Bank of America shall serve responses by July 30, 2009; Signed by Magistrate Judge Dennis W. Dohnal on 6/29/09. (lsal) (Entered: 06/29/2009)
09/16/2009	<u>¶ 54</u>	MOTION for Ian Bryce Lyngklip to appear Pro hac vice by Victor Rivera. Fee Paid. (Attachment: (1) Receipt)(cgar) (Entered: 09/16/2009)
09/18/2009	<u>¶ 55</u>	So Ordered <u>54</u> MOTION for Attorney Ian Bryce Lyngklop to appear Pro hac vice filed by Victor Rivera; Signed by Magistrate Judge Dennis W. Dohnal on 9/17/09 (lsal) (Entered: 09/18/2009)
10/01/2009	<u>¶ 56</u>	STIPULATION for Transfer to the Western District of Virginia by Victor Rivera, Bank of America, N.A.. (Attachments: # <u>1</u> Proposed Order)(Erausquin, Matthew) (Entered: 10/01/2009)
10/02/2009	<u>¶ 57</u>	ORDER GRANTING <u>56</u> Stipulation to Transfer this Action to the United States District Court for the Western District of Virginia (Harrisonburg Division); ORDERED this action be and hereby is TRANSFERRED to the United States District Court for the Western District of Virginia (Harrisonburg Division) to effectuate the global settlement. Signed by Magistrate Judge Dennis W. Dohnal on 10/2/09 (lsal) (Entered: 10/02/2009)
10/05/2009	<u>¶</u>	Case transferred to Western District of Virginia (Harrisonburg Division). (lsal) (Entered: 10/05/2009)